



# MANAGEMENT PROGRAM FOR DEVELOPMENT PLANNING & CONSTRUCTION

## SECTION 5

### 5.0 INTRODUCTION

#### **ADDITIONAL REQUIREMENTS AND RESOURCES:**

- **PROGRAM REQUIREMENTS PLEASE SEE PERMIT 99-060, PAGES: 16 through 20.**
- **DEVELOPER INFORMATION – CITY HALL (4<sup>TH</sup> FLOOR) – 562-570-6565**
- **NPDES AND SUSMP REQUIREMENTS: CHAPTER 18.95 (LBMC) on website @ <http://www.ci.long-beach.ca.us> (under Government – Municipal Code)**

#### *General Description*

This program addresses the planning of development projects and the construction of projects that are **not within the public street right of way.** Projects within the public street right of way are addressed in Section 4, Public Agency Activities.

The general objective of this management program is to have developers and owners consider storm water quality management during the project's planning phase, implemented during construction and ultimately maintained throughout the life of the project.

Applying this management program to development projects will effectively prohibit non-storm water discharges and reduce the discharge of pollutants into the storm water drain system. This program applies equally to privately and publicly owned property.

### 5.1 DEVELOPMENT PLANNING

This component of the program addresses planning procedures for development projects to incorporate and implement appropriate controls to reduce pollutant discharges from entering the storm drain systems. Development projects are those projects that generally go through a planning and permitting review/process. A "development project" may be new development, redevelopment, renovation, remodeling, or rehabilitation.

The following elements are addressed in this program:

- A system for determining the appropriate category for a development project;
- A recommended list of BMPs to be considered for development projects;



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- A process for planning control measures for Priority projects to incorporate the recommended list of BMPs into a Standard Urban Storm Water Mitigation Plan;
- A process for planning control measures for projects that require an NPDES Industrial Permit to obtain the State permit and to develop a Storm Water Pollution Prevention Plan;
- Guidelines for preparation and review of California Environmental Quality Act documents;
- A developer information program that provides guidance on the City's development planning program, and specific guidance on BMP selection.

All elements of this development planning component apply to public projects that are not within the public street right of way. Projects within the public street right of way are addressed in Section 4, Public Agency Activities.

### *Responsible Departments*

### *Responsible Positions*

Harbor Department  
Planning Division

Director

Planning and Building Department  
Community and Environmental Planning

Environ. Planning Officer

Land Use Regulation Division

Zoning Officer

Plan Review

Engineering Plan Checker

Development Services Center

Operations Officer

### **5.1.1 DETERMINATION OF PROJECTS AS PRIORITY OR EXEMPT**

As defined in the permit:

- "*Priority Projects*" are development and redevelopment projects requiring discretionary approval which the Building Official (or equivalent municipal authority) determines may have a potential significant effect on storm water quality; and
- "*Exempt Projects*" are development and redevelopment projects which the Building Official (or equivalent municipal authority) determines will not have a potential significant impact on storm water quality.



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Discretionary approval for purposes of this program will be interpreted consistent with Section 15357 of the California Environmental Quality Act (CEQA) Guidelines. Section 15357 states:

*“Discretionary project” means a project which requires the exercise of judgement or deliberation when the public agency or body decides to approve or disapproves a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations.*

Ministerial approvals are defined in Section 15369 of CEQA Guidelines, which states:

*“Ministerial” describes a government decision involving little or no personal judgement by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgement in reaching a decision. A ministerial action involves the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgement in deciding whether or how the project should be carried out.*

Ministerial approvals should not be confused with projects that are determined to be Categorical Exempt under CEQA. Categorical Exempt projects are a distinct type of exemption under CEQA. By definition, any type or category of projects that treated by a particular jurisdiction as typically being Categorical Exempt under CEQA, is a project requiring discretionary approval.

Consistent with section 15268 (d) of the CEQA Guidelines, “Where a project involves an approval that contains elements of both a Ministerial action and a discretionary action, the project will be deemed to be discretionary...”. Throughout the remainder of this program component, such a discretionary approval or discretionary action by a public agency or body will be referred to as a “discretionary action”.

While the definitions of “discretionary” and “ministerial” as used in this model program rely on language from CEQA Guidelines, the process outlined in this model program is independent of any CEQA determination.



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A project is an Exempt project if it does not require discretionary approval and is not one of the following project types listed in the Permit, Part 4.D.7:

- a. An automotive repair shop;
- b. A retail gasoline outlet;
- c. A restaurant; and
- d. A hillside project
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As an Exempt Project, it is exempt from the requirements of this program component.

If the project is one of the four project types listed above, the project applicant has the responsibility to include appropriate source control BMPs into the project design to the extent practicable.

Source control BMPs are defined as activities, plans, policies, management practices and maintenance procedures, which are designed to control pollutants from entering the storm drain system. A list of recommended source control BMPs to select from is available in Table 5-1. Details for each BMP listed are in Appendix J.

### *Second Step*

If the project requires discretionary approval, the second step is to determine if the project is one of the project types covered by the NPDES general permit for industrial activities, 40CFR 122.26 (b)(14)(i)-(xi). Project types associated with industrial activities include industrial plants, heavy and light manufacturing facilities, mining, recyclers and industrial transportation facilities. These facilities are also known as Phase I facilities and are listed in the glossary, Section 9.

If the proposed project requires a discretionary action and is one of the project types covered by the Industrial NPDES permit, the project proponent will be required to demonstrate:

- Notice of Intent (NOI) has been filed with the State Water Resource Control Board;
- State Storm Water Pollution Prevention Plan has been prepared.

For category (i) – (x) facilities, the project proponent must demonstrate these two requirements have been satisfied prior to receiving any building permit. For category (xi) facilities, the project proponent has the option of demonstrating that the project industrial activities are not exposed to storm water, or that the NOI



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has been filed and a SWPPP has been prepared prior to receiving any building permit.

**TABLE 5-1. SOURCE CONTROL BMPS**

<b>SOURCE CONTROL BEST MANAGEMENT PRACTICES</b>	<b>BMP<sup>1</sup></b>
Non-Storm Water Discharges to Drains	SC1
Vehicle and Equipment Fueling	SWQTF Guide <sup>2</sup>
Vehicle and Equipment Washing and Steam Cleaning	SC3
Vehicle and Equipment Maintenance and Repair	SC4
Outdoor Loading/Unloading of Materials	SC5
Outdoor Container Storage of Liquids	SC6
Outdoor Process Equipment Operations And Maintenance	SC7
Outdoor Storage of Raw Materials, Products, and By-Products	SC8
Waste Handling and Disposal	SC9
Contaminated or Erodible Surface Areas	SC10
Building and Grounds Maintenance	SC11
Building Repair, Remodeling, and Construction	SC12
Over-Water Activities	SC13
Employee Training	SC14

<sup>1</sup> Numbers refer to the California Best Management Practices Handbook

<sup>2</sup> Best Management Practice Guide: Retail Gasoline Outlets, Southern California Task Force 1997



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### *Final Step*

If a proposed project requires a discretionary approval, the project, as determined by the Building Official, is a Priority Project. The following project types, listed in the Permit, Part 4.D.5 are included in this category:

- a. 10-99 home subdivision
- b. 100 or more home subdivision
- c. 100,000 or more square foot commercial developments
- d. environmentally sensitive areas

The project proponent will be required to develop **Standard Urban Stormwater Mitigation Plans** subject to the Building Official's (or designee) approval. The standard urban storm water mitigation plan will be incorporated into the project design prior to issuance of any building permit.

### **5.1.2 URBAN STORM WATER MITIGATION PLANS**

Earlier versions of planning control measures for priority projects were termed Urban Stormwater Mitigation Plans. On January 26, 2000, the Regional Board at its hearing adopted Board Resolution No. R-00-02 directing the Executive Officer to approve Standard Urban Stormwater Mitigation Plans. The approved Standard Urban Stormwater Mitigation Plans are the functional equivalent to Urban Storm Water Mitigation Plans.

### **5.1.3 Guidelines for Review and Approval of Discretionary Projects**

The goal of this requirement is to assess the possible impacts of development projects on storm water quality at the earliest planning stage.

### **5.1.4 Developer Information Program**

The City currently hands out a booklet titled "Blueprint for a Clean Ocean" to building permit applicants. This booklet serves as a resource for all general contractors, home builders, and sub-contractors working at construction sites and provides information about BMPs for construction related activities.

In addition to this booklet, the City has developed and does provide materials at the Planning and Building counter for developers and contractors, which will address:



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- A general description of City's Storm Water Management Program, to inform developers seeking project approvals from the City about the impacts of development and construction on storm water, and its requirements related to development activity.
- A description of required or suggested BMPs that shall be considered for incorporation into development projects to reduce pollutants in the storm water discharges from urbanized areas.
- Guidance information on selecting BMPs for development projects including BMP suggestions that may be particularly appropriate for specific development categories and SUSMP guidelines.
- A list of reference materials that provide detailed information on BMP objectives and implementation, as well as sources of the reference materials.

All employees engaged in development planning shall receive training on the requirements of the Permit and BMP implementation not later than December 30, 1999 and through annual refresher training thereafter.

The model developer information program developed by the County will be used when developing the City's information material.

### 5.2 DEVELOPMENT CONSTRUCTION

This component of the program addresses construction requirements for development projects to incorporate and implement appropriate controls to reduce pollutant discharges from entering the storm drain systems.

The following elements are addressed in this program:

#### *Construction Control Measures*

- A system for determining the appropriate category (Priority or Exempt) for a construction project ;
- A recommended list of BMPs to be considered for all construction projects;
- A process for construction control measures for Priority projects to develop a Storm Water Pollution Prevention Plan which incorporate additional recommended list of BMPs;



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- A process for construction control measures for Priority projects that require an NPDES Construction Permit to obtain the State permit and to develop a State Storm Water Pollution Prevention Plan.

### *Site Inspections*

- Developer/Contractor Inspections
- City (or Designee) Inspections

Development construction projects are those projects constructed on privately and publicly owned land outside the public street right of way. For projects constructed within the public street right of way, refer to Section 4, Municipal Construction Activities.

### *Responsible Departments*

Planning and Building Department  
Inspection Division

Code Enforcement

Plan Review

Development Services Center

Harbor Department  
Engineering Division

### *Responsible Persons*

Building Inspector Officer

Chief Building Inspector

Engineering Plan Checker

Operations Officer

Harbor Engineer

## 5.2.1 CONSTRUCTION CONTROL MEASURES

### *First Step*

The first step in categorizing a project as either a Priority project or Exempt project is to determine if the project meets one of the following criteria:

- a. Will result in soil disturbance of one acre or more in size
- b. Is adjacent to an environmentally sensitive area
- c. Is located on a hillside

A project is exempt from preparing a Storm Water Pollution Prevention Plan if it does not meet one or more of the above criteria.





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At a minimum, all projects are required to implement the following BMPs to as applicable.

- Water Conservation Practices
- Material Delivery and Storage
- Material Use
- Spill Prevention and Control
- Solid Waste Management
- Hazardous Waste Management
- Concrete Waste Management
- Vehicle and Equipment Cleaning
- Vehicle and Equipment Fueling
- Vehicle and Equipment Maintenance

### *Second Step*

A project that disturbs more than 1 acres of soil but less than 5 acres is a Priority project. The project applicant will be required to prepare a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP will include the following elements:

- Project Information and Description
- Site Map
- Appropriate construction site BMPs selected from the list adopted by the Regional Board on April 22, 1999.
- Appropriate Best Management Practices for Erosion and Sediment Control Practices (especially, if construction takes place during the rainy season) to reduce sediment from entering the storm drain system to the extent practicable
- Owner/Contractor Certification



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In addition the Permittee shall ensure the following minimum requirements are met at every construction site regardless of size:

- a. Sediments will be retained on the project site using structural drainage controls;
- b. No construction related materials, wastes, spills, or residues shall be discharged from the project site to the streets, drainage facilities, or adjacent properties by wind or runoff;
- c. Runoff from equipment and vehicle washing shall be contained at the project site; and,
- d. Eliminate, to the maximum extent possible, erosion from slopes and channels by implementing applicable BMPs including:
  - i. Limit scheduling of grading during the wet season (Oct 1<sup>st</sup> through April 15<sup>th</sup>)
  - ii. When grading occurs during the wet season, the Permittee will conduct onsite inspections of disturbed areas during rain events exceeding 0.1 inch over a 24 hour period
  - iii. Vegetation shall be planted and maintained on slopes
  - iv. Cover susceptible slopes

Project plans must include a narrative discussion of the rationale used for selecting or rejecting BMPs. The project architect or engineer of record, or authorized qualified designee, must sign a statement on the plan to the effect: "As the architect/engineer of record, I have selected appropriate BMPs to effectively minimize the negative impacts of this project's construction activities on storm water quality. The project owner and contractor are aware that the selected BMPs must be installed, monitored, and maintained to ensure their effectiveness. The BMPs not selected for implementation are redundant or deemed not applicable to the proposed construction activities."

#### *Final Step*

The second step is to determine if the project will result in soil disturbance of more than 5 acres of land.

A project that will disturb 5 acres or more of soil must comply with the State NPDES Construction Permit Requirements. The project applicant will be required to demonstrate:



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- Notice of Intent (NOI) has been filed with the State Water Resource Control Board ; and,
- State Storm Water Pollution Prevention Plan has been prepared.

The project applicant must certify the requirements have been satisfied prior to receiving any grading or building permit.

### 5.2.2 SITE INSPECTION

Municipal inspectors routinely verify that the construction work is in compliance with the contract documents and building permit requirements.

When a project is not in compliance with the building permit, the municipal inspectors have the authority to enforce the permit by issuing verbal warnings, written notices, or suspending the work.

#### *Contractor Self-Inspections*

The permit conditions will require the contractor to perform self-inspections. There are two primary purposes of self -inspections:

1. to evaluate if the minimum required BMPs are being met and
2. to identify maintenance and repair needs.

Frequent inspections would be most effective to verify implementation of BMPs. Suggested frequency for inspections include monthly during the dry season and weekly during the rainy season.

#### *Municipal Inspections*

Municipal inspectors will verify appropriate controls to reduce pollutant discharges from entering the storm drain system are being met. If BMPs are not present or improperly implemented, the inspector shall apply appropriate enforcement actions. As necessary, the inspector will conduct follow-up inspections to determine if corrective actions have been taken.

Depending on the severity of the violation, enforcement can range from verbal warning to a written notice, or suspension of work.



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### 5.2.3 INSPECTION CRITERIA

#### *All Sites*

The most important element of the inspection for all construction sites is to ensure that appropriate controls are in place to reduce pollutants from entering the storm drain system. One element is to determine that the minimum BMPs for development construction projects are being achieved. If the inspector cannot affirmatively find that the minimum requirements are being achieved, the inspector shall require the developer to conform to those requirements.

The inspector will use the following framework when performing an inspection:

1. determine what BMPs are necessary to reduce pollutant discharges from entering the storm drain system
2. determine if BMPs are being used,
3. determine whether BMPs are being implemented properly, and
4. review developer's self-inspection checklist to determine whether minimum self-inspections have been performed.

#### *Criteria for Priority Sites*

Permittees must conduct at least one inspection of all active priority projects during the rainy season. If the inspected site is not meeting the minimum requirements, permittee inspectors must immediately direct compliance with these requirements and conduct a follow-up within two weeks of the last inspection to ensure compliance.

The inspectors will use a checklist (or an equivalent document) to evaluate conformance with minimum requirements or required BMPs.

#### *Criteria for Sites Subject to General Construction NPDES Permit*

During routine city inspections, the inspector may use a checklist (or an equivalent document) to evaluate conformance with minimum requirements or required BMPs. If violations are observed during inspection, the inspector will notify the Regional Board within two business days of the possible violation and the location of the construction site.



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Ultimately, the Regional Board is responsible for verifying and enforcing requirements of the General Construction NPDES Permit.

### 5.2.4 TRAINING PROGRAM

All municipal inspectors and appropriate staff members will be provided adequate training to insure uniform enforcement. All new staff should be trained within six months after their employment start date. A general training program will be developed. The training program will contain the minimum requirements to:

- promote a clear understanding of the potential for construction activities to pollute storm water; and
- identify violations of appropriate controls to reduce pollutant discharges from entering the storm drain system

Refresher training will be conducted periodically as necessary.

The scope of formal training will generally cover the following areas:

- Minimum BMP requirements for development construction projects
- Description and contents of SWPPPs
- Appropriate BMP applications and implementation
- Inspection and enforcement procedures
- Use of Inspection checklists